

INFORMATION ON SUPPLEMENTAL EDUCATIONAL SERVICES

The U.S. Department of Education has issued a policy letter to all states addressing supplemental educational services under the *No Child Left Behind Act* (NCLB). Each local school district with Title I schools in Tier 2 or Tier 3 of NCLB consequences must provide eligible children the opportunity for supplemental educational services. The policy letter addresses two areas of information: (1) clarification of the role of the state educational agency and (2) limitations of the authority of the local school district in developing contractual working relationships with providers. The information in the policy letter is in addition to the information in the non-regulatory guidance on supplemental educational services that is available at <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>.

First, it is the responsibility of the Kentucky Department of Education to develop and apply objective criteria for approval of potential providers. The KDE maintains a list of approved supplemental educational service providers. Parents of eligible students select a supplemental service provider from the state-approved provider list. The local school district enters into contractual agreements with approved providers selected by parents.

Second, there are limitations on what the district may require regarding the development of contractual agreements. The district must ensure that provisions of the contracts are reasonable and that no provision would place an inappropriate limitation on the educational options available to parents. The district may impose reasonable operational and administrative requirements such as requiring criminal background checks for staff working with students, requiring liability insurance, collecting fees for use of facilities, determining whether payment is conditional upon the attendance of the student, or other requirements common to any other contractual agreements that the district may have. The district may not, however, impose requirements not provided for in the statute or regulations. For example, the district may not impose requirements that providers offer a certain number of hours of services in order to receive the statutory per-child amount for services, that providers employ only state-certified teachers as tutors, or that a program must provide only one-on-one instruction.

The full text of the policy letter on supplemental educational services is available on the U.S. Department of Education website at <http://www.ed.gov/policy/elsec/guid/stateletters/choice/ses082604.html>. If you have further questions, please contact the Division of Federal Programs and Instructional Equity at (502) 564-3791.